

2013 SESSION

INTRODUCED

13102338D

HOUSE BILL NO. 1761

Offered January 9, 2013

Prefiled January 8, 2013

A BILL to amend and reenact § 55-509.3 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 55-510.01, relating to the Property Owners' Association Act; waiver of assessments; voting.

Patron—Ramadan

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 55-509.3 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 55-510.01 as follows:

§ 55-509.3. Limitation of authority of association; charges; waiver of assessments.

Except as expressly authorized in this chapter, in the declaration, or otherwise provided by law, no association may (i) make or board of directors acting on behalf of the association shall:

1. Make an assessment or impose a charge against a lot or a lot owner unless the charge is a fee for services provided or related to use of the common area or (ii) charge;

2. Charge a fee related to the provisions set out in § 55-509.6 or 55-509.7 that is not expressly authorized in those sections; or

3. Waive for any lot owner, for any reason, the payment of any assessment authorized in the declaration.

§ 55-510.01. Transaction of association business other than by votes at meetings prohibited.

Unless otherwise specifically provided in the declaration, no vote of any kind of the membership of any association shall be taken to authorize the transaction of any association business, other than a vote taken at a meeting conducted in accordance with the provisions of this chapter. In addition, any such vote shall require the concurrence of a majority of the members present and voting or by any larger vote specified in the declaration. Votes cast by proxy may be counted at such meeting so long as voting by proxy is not prohibited in the declaration or association bylaws. No association shall utilize cumulative or block voting for any purpose other than the election of members of the board of directors.

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